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7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 **In re:**

10 **USA Commercial Mortgage Company**  
11 **06-10725 – Lead Case**

12 **USA Capital Realty Advisors, LLC**  
13 **06-10726**

14 **USA Capital Diversified Trust Deed Fund,**  
15 **LLC**  
16 **06-10727**

17 **USA Capital First Trust Deed Fund, LLC**  
18 **06-10728**

19 **USA Securities, LLC**  
20 **06-10729**

21 **Debtors.**

Jointly Administered  
Chapter 11 Cases  
Judge Linda B. Riegle Presiding

**Stipulation Requesting: Trial  
Continuance; Mediation; That the  
Court Grant The USACM Trust's  
Motion To Amend In Part**

**Affecting:**

- All Cases
- or Only:**
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Date: January 24, 2008  
Time: 9:30 a.m.

New date: March 25, 2008  
Time: 9:30 a.m.

22 The USACM Liquidating Trust (the "USACM Trust") by and through its counsel,  
23 Lewis and Roca LLP, and Los Valles Land & Golf LLC ("Los Valles"), by and through its  
24 counsel, Akin Gump Strauss Hauer & Feld, LLP, stipulate:

25 1. That the trial in this matter currently scheduled for March 27 and March 28,  
26 2008 at 9:30 a.m. be rescheduled to a date to be set in July of 2008. The parties request a

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1 trial continuance because counsel for the USACM Trust, John Hinderaker, is having  
 2 continuing health issues related to a heart arrhythmia that will prevent him from trying this  
 3 matter in March. For efficiency's sake the Trust would prefer to keep Mr. Hinderaker on  
 4 the case, but to postpone the trial.<sup>1</sup>

5       2.     The parties also believe that such a continuance would allow them to  
 6 mediate and possibly resolve their disputes after they depose certain key witnesses. The  
 7 parties request that the Court arrange a mediation before one of the other judges of this  
 8 Court in late February or early March of 2008.

9       3.     The USACM Trust withdraws its Motion for Leave to File Second Amended  
 10 Objection and Counterclaim (the "Motion to Amend") [DE 5529] to the extent it seeks to  
 11 join Mr. Dan Palmer as party to the counterclaim against Los Valles. The USACM Trust  
 12 may, however, renew the Motion to Amend as to Mr. Palmer should the mediation not  
 13 produce a settlement.

14       4.     That the Court grant the USACM Trust's Motion to Amend to the extent it  
 15 seeks leave to file a counterclaim against Los Valles in the form attached to the Motion to  
 16 Amend with the claims against Mr. Palmer removed.

17       5.     That the hearing on the Motion to Amend scheduled for January 24, 2008 at  
 18 9:30 a.m. be vacated.

19       6.     That the pre-trial conference scheduled for March 14, 2008, at 1:30 p.m. be  
 20 vacated and the discovery deadlines set forth in the Order re: Pre-Trial Matters; Trial; and  
 21 Settlement Conference on the Objection to Claim 1366 of Los Valles Land & Golf, LLC  
 22 [DE 5383] be vacated and reset in accordance with a trial date at the end of July 2008.

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25       <sup>1</sup> Lead counsel for Los Valles has a one-month class arbitration scheduled to  
 26 commence on April 28, 2008 in Los Angeles, California and therefore cannot reasonably  
 schedule the hearing regarding this claim until the end of June 2008, at the earliest, and  
 would strongly prefer that the hearing regarding this claim be scheduled for July 2008.

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1       7. That the Court set a status conference for March 25, 2008 at 9:30 a.m. at the  
2 U.S. Bankruptcy Court, 300 Las Vegas Blvd. South, Courtroom # 3, Las Vegas, NV to set  
3 a trial date and address any unresolved discovery matters.

4 RESPECTFULLY SUBMITTED January 15, 2008.

5                   **LEWIS AND ROCA LLP**

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7       By /s/ RC (#006593)  
8                   Susan M. Freeman (*pro hac vice*)  
9                   Rob Charles  
10                  John Hinderaker (*pro hac vice*)  
11                  *Attorneys for USACM Liquidating Trust*

12                  *And*

13                   **AKIN GUMP STRAUSS HAUER & FELD**  
14                  **LLP**

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16       By: s/ Bruce Jacobs  
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21                  *Attorneys for Los Valles Land & Golf LLC*

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COPY of the foregoing served via e-mail where  
an e-mail address is listed, and if no e-mail  
address is listed, then by first class, postage paid  
US mail, this 15th day of January, 2008  
addressed to:

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